

124th Legislature
Senate of
Maine
Senate District 30

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Testimony in Support of LD 1183

by Senator Elizabeth M. Schneider

**An Act To Prevent Predatory Marketing Practices Against Minors Regarding Data
Concerning Health Care Issues**

Chairwoman Smith and distinguished members of the Joint Standing Committee on Business Research and Economic Development I am Senator Elizabeth M. Schneider of Senate District 30. I am honored to serve 23 communities in Penobscot County.

Today there are a multitude of technologies and applications which are the tools we use to communicate daily with one another. Unfortunately the use of these tools presents some dangers, especially for minors.

Caring adults and parents understand the internet can be a minefield riddled with cyberbullying, harassment, predators, exploitation, data theft, and even a potential path to abduction or worse.

This bill, LD 1183 is a vehicle to address an ever increasing, diabolical practice of targeting minors to extract sensitive personal information from them. Lured to click onto specific websites with a promise of music downloads, iPods, pizza and other giveaways, unsuspecting minors are asked to fill out surveys. They may also be asked to give their vote on a variety of issues.

In return for mere trinkets young people every day open the door to complete strangers allowing them to have the most in depth information about their lives not understanding the long term repercussions of their actions. Hardcore marketers use and sell this data. Pushed onto young internet visitors are a myriad of products including all sorts of drugs, acne medications, dieting pills and yes—even erectile dysfunction medications. All of these are pitched to our youth.

Alton, Argyle Township, Bradford, Edinburg, Enfield, Greenbush, Howland, Hudson, Kingman Township, LaGrange, Lee, Lincoln, Mattawamkeag, Maxfield, Old Town, Orono, Passadumkeag, Penobscot Nation Indian Island, Springfield, Twombly, Veazie, Webster Plantation and Winn

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The data collected from minors can end up in the hands of anyone interested in paying for it. This potentially sensitive information will not disappear. It very well could follow our youth to adulthood creating problems for them with employers and/or perhaps obtaining insurance.

Despite this ever increasing danger, we can have a positive impact on this problem by passing LD 1183.

I am including the bill summary below for your review. It is my hope that together we will help prevent this negative marketing behavior and protect our young consumers information.

SUMMARY

This bill addresses the current practices of persons using the Internet and other wireless communications devices, with or without promotional incentives, to acquire health-related information about minors and then using that information unscrupulously. Under this bill, it is unlawful to solicit or collect health-related information about a minor who is not emancipated without the express written consent of the minor's parent or guardian, to transfer any health-related information that identifies a minor or to use any of that information to market a product or service to a minor regardless of whether or not the information was lawfully obtained. Unlawful marketing includes promoting a course of action relating to a product. The bill provides 3 potential remedies for a violation: relief as an unfair trade practice, a private right of action and a civil violation with substantial monetary fines.

Thank you for your consideration. I would very much appreciate your unanimous support for this legislation.

Senator Elizabeth M. Schneider